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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-153**

13 **SHERENA EDINBORO**

A C C U S A T I O N

14 **3931 Tallyho Drive,**

15 **Sacramento, CA 95826**

16 **Registered Nurse License No. 731440**

18 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
24 Department of Consumer Affairs.

25 **Registered Nurse License**

26 2. On or about July 16, 2008, the Board issued Registered Nurse License Number
27 731440 to Sherena Edinboro ("Respondent"). The registered nurse license was in full force and
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effect at all times relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

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STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct...,

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in

subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

7. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f) in that Respondent has been convicted of the following crime that is substantially related to the qualifications, functions, or duties of a registered nurse:

a. On or about January 14, 2011, in the Superior Court, County of Sacramento, California, in the matter entitled *People vs. Sherena Edinboro*, 2010, Case No. 10T02369, Respondent was convicted following her plea of nolo contendere to a violation of Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of .08% or more), a misdemeanor, with a prior arrest on November 29, 2003. The circumstances of the crime are that on April 10, 2010, Respondent was arrested for driving under the influence of alcohol. Respondent's blood alcohol level measured .30%.

SECOND CAUSE FOR DISCIPLINE

(Conviction of a Crime Involving Controlled Substances)

1 10. Respondent is subject to discipline pursuant to Code section 2762, subdivision (a),
2 on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (c), in
3 that Respondent has been convicted of a crime involving the consumption of alcohol, as more
4 particularly set forth in paragraph 9, above.

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6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Use Alcohol to an Extent or in a Manner Dangerous or Injurious)**

8 11. Respondent is subject to discipline pursuant to Code section 2762, subdivision (a),
9 on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (b), in
10 that on or about April 10, 2010, Respondent used alcohol to an extent or in a manner dangerous
11 or injurious to herself or others, as more particularly set forth in paragraphs 9 and 10, above.

12 **DISCIPLINARY CONSIDERATIONS**

13 12. On or about March 10, 2004, in the Superior Court, County of Sacramento,
14 California, in the matter entitled *People vs. Sherena Edinboro*, 2003, Case No. 03T06686,
15 Respondent was convicted following her plea of nolo contendere to a violation of Vehicle Code
16 section 23152, subdivision (a) (driving under the influence of alcohol), a misdemeanor. The
17 circumstances of the crime are that on November 29, 2003, Respondent was arrested for driving
18 under the influence of alcohol. Respondent's blood alcohol level measured .22%.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

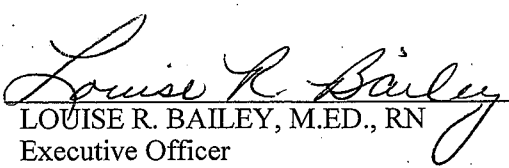
22 1. Revoking or suspending Registered Nurse License Number 731440, issued to
23 Sherena Edinboro;

24 2. Ordering Sherena Edinboro to pay the Board of Registered Nursing the reasonable
25 costs of the investigation and enforcement of this case, pursuant to Business and Professions
26 Code section 125.3; and,

27 3. Taking such other and further action as deemed necessary and proper.
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DATED: September 5, 2012


LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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